

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
SPRINT CORPORATION)	
)	WT Docket 16-295
Request for Waiver of Section 90.209(b)(7))	
of the Commission's Rules)	

REPLY COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), pursuant to the Public Notice issued on September 19, 2016¹, hereby submits its Reply Comments in the above-captioned proceeding.

I. BACKGROUND

On August 11, 2016, Sprint filed a request for waiver of Section 90.209(b)(7) of the Commission's Rules to permit 800 MHz broadband operations in portions of the Arizona Public Safety Planning Advisory Committee ("NPSPAC") Region (Region 3) prior to completion of 800 MHz band reconfiguration in that Region.² On August 23, 2016, Sprint filed an amendment to its Waiver Request, informing the Wireless Telecommunications Bureau ("Wireless Bureau") that Maricopa County ("Maricopa") had completed its infrastructure retune, as well as providing

¹ See Wireless Telecommunications Bureau Seeks Comment on Sprint Waiver Request to Permit Broadband Operations in Portions of the Arizona NPSPAC Region, *Public Notice*, DA 16-1050, WT Docket 16-295 (September 19, 2016).

² Request for Waiver to permit 800 MHz Wideband Operations in Portions of Arizona Prior to Completion of 800 MHz Band Reconfiguration in the Entire NPSPAC Region, FCC File Nos. 0007374837, 0007374839, 0007374843, 0007374823 (filed August 11, 2016) (collectively "Waiver Request").

concurrences from Pima County and the State of Arizona.³ On September 19, 2016, the Wireless Bureau sought comment on Sprint's Waiver Request.

II. COMMENTS

The completion of the Maricopa retune in August cleared the 866 – 869 MHz or “old NPSPAC spectrum” in the Phoenix metropolitan area making that same spectrum available for Sprint to deploy 800 MHz LTE facilities in that same area. In all other areas of Arizona, except for the area along the U.S. – Mexico Border long delayed by required Mexican-side rebanding, and two sites operated by San Bernardino County in Arizona along the Arizona – California Border, the old NPSPAC spectrum has been cleared making it available for Sprint's use. Consistent with circumstances in seven other NPSPAC Regions⁴, Sprint requested that the Wireless Bureau permit Sprint to operate on the old NPSPAC spectrum (once cleared of public safety use) in those areas of a NPSPAC Region where a Region was still undertaking rebanding

³ Supplement to Request for Waiver to Permit 800 MHz Wideband Operations in Portions of Arizona Prior to Completion of 800 MHz Band Reconfiguration in the Entire NPSPAC Region (filed August 23, 2016) (“Waiver Supplement”).

⁴⁴ Over the past few years, Sprint has been granted waivers in Florida, Northern California, Nevada, New Mexico, Texas – El Paso, Texas – San Antonio and Washington before 800 MHz band reconfiguration was complete in those Regions. *See* Letter from Roger S. Noel, Chief, Mobility Division to James B. Goldstein, Sprint Corporation, dated November 25, 2013 (DA 12-2262) (Florida); *See* Letter from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau to James B. Goldstein, Esq., Sprint Corporation, DA 14-866 (June 23, 2014) (Northern California); *See* Letter from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau to James B. Goldstein, Esq., Sprint Corporation, DA 14-866 (June 23, 2014) (Nevada). *See also* Letter from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau to James B. Goldstein, Esq., Sprint Corporation, FCC File No. 0007254003 (July 6, 2016) modifying June 23, 2014 waiver (Nevada); *See* Letter from Roger S. Noel, Chief, Mobility Division to James B. Goldstein, Sprint Corporation, WT Docket 14-133, dated November 21, 2014 (DA 14-1687) (New Mexico and Texas – El Paso).; *See* Letter from Roger S. Noel, Chief, Mobility Division to James B. Goldstein, Sprint Corporation, WT Docket 14-133, dated November 18, 2014 (DA 14-1663) (Texas - San Antonio); *See* Letter from Roger S. Noel, Chief, Mobility Division to James B. Goldstein, Sprint Corporation, WT Docket 15-156, dated August 24, 2015 (DA 15-954) (Washington).

if Sprint's operations could be geographically separated from those areas still undergoing 800 MHz band reconfiguration.⁵ That same circumstance present in seven previous waiver Regions is present here in Arizona.

Approximately two weeks after filing its Waiver Request, Sprint provided statements of concurrence from both Pima County and the State of Arizona. Both were satisfied that Sprint's proposed areas of operation would provide sufficient distance separation from their ongoing pre-rebanding facilities. Since this filing, the State of Arizona has completed its retune throughout the State of Arizona.⁶

Maricopa, despite completing its 800 MHz retune to the lower portion of the 800 MHz band in September, was the only other party to file comments. Maricopa raises two issues – one based on undetermined interference on its post-rebanding frequencies and the other based on the Public Safety and Homeland Security Bureau's ("Public Safety Bureau") 800 MHz licensing freeze.

Maricopa's Comments indicates it is experiencing interference on its new replacement frequencies and despite working with technical experts at Sprint, Verizon, its consultant and its vendor, Motorola, the exact cause is still undetermined. In fact, the impacts to the Maricopa system have not been witnessed by Sprint. Because the interfering signals Maricopa is experiencing on its system are irregular, intermittent and on specific frequencies impacting only

⁵ See Waiver Request at page 2.

⁶ As Sprint explained and showed in its Waiver Request, the only other public safety entity remaining to retune in Arizona is San Bernardino County, CA who has sites in Arizona along the California Border. These Arizona sites are well outside the area Sprint intends to initially operate in the Metropolitan Phoenix area and Sprint is providing more than 70 miles of co-channel distance separation from its sites to San Bernardino County facilities.

Maricopa (and not other 800 MHz licensees in the same geography)⁷, it does not appear to be related to any broadband commercial operations of Sprint or Verizon.

Maricopa raises a concern that Sprint's waiver be delayed and that it not be permitted to initiate operations on Maricopa's old frequencies if there is a *possibility* that Maricopa would need to revert to its old frequencies. First, reverting to old frequencies after a retune has been completed has been an exceptionally rare occurrence during the ten-plus years of 800 MHz band reconfiguration. Generally, those rare circumstances have been limited to conventional systems or situations where the licensee did not have any alternative channels on which to operate. When the interference effects have been minimal, as is the case here,⁸ licensees have chosen to move forward to complete their rebanding efforts while mitigating the interference post-reconfiguration. Second, Maricopa has already begun performing its "second touch" of its mobiles, meaning that were it to revert to its old frequencies, Maricopa's completed devices will not be able to use the old NPSPAC frequencies.

All that being said, Sprint acknowledges that post-rebanding interference or unexplained system challenges should be taken seriously and it has done so. Sprint has not shirked its responsibility to participate in joint testing, has made its engineering resources available to lead the mitigation effort and has been meeting weekly with Maricopa and its vendors to discuss

⁷ The City of Phoenix, The City of Mesa and the Gila River Indian Reservation have each retuned their 800 MHz NPSPAC channels in the metropolitan Phoenix area and have not experienced or reported any interference post-band reconfiguration.

⁸ When Sprint first met with Maricopa, the County said that the "interference" was illegal carrier hits logged by the County's Motorola repeaters which were temporarily deactivating its repeaters in fifteen-minute increments when the illegal hits would occur. Motorola has told the interference mitigation team (Sprint, the County and County consultants) that no repeater has been taken out of service since October 18, 2016.

findings and potential causation, even though Sprint does not appear to be a cause of the interference.

Sprint requests that it obtain its waiver approval while it continues to assist Maricopa in investigating and resolving the instant issue with their system. Upon approval of the waiver, it will still take Sprint additional time to modify its network infrastructure in order to operate on the old NPSPAC frequencies, thus, Sprint's broadband deployment post-waiver approval will not occur overnight. As a result, the parties still have ample time to continue to investigate and resolve the County's system challenges prior to any actual Sprint deployment. This timing will ensure Sprint's new operations would not introduce a new interference variable.⁹ Holding Sprint's waiver in indefinite limbo due to circumstances that are beyond Sprint's ability to control will not solve Maricopa's interference issue and will delay Sprint's ability to provide enhanced services to its customers.

Maricopa also takes the opportunity of Sprint's pending waiver request in Arizona to complain about the Public Safety Bureau's ongoing 800 MHz licensing freeze in certain areas along the U.S. – Mexico Border.¹⁰ This freeze remains in place to ensure that the 800 MHz licensing environment remain static during rebanding and to ensure that alternative frequencies be available should they be necessary.¹¹

⁹ See Maricopa Comments at page 2.

¹⁰ See Maricopa Comments at page 3.

¹¹ This has proven to be of great assistance in the US – Mexico Border Area due to the ongoing delays on the Mexican side of the Border, allowing Sprint and the Transition Administrator to identify alternative frequencies for licensees to expedite rebanding.

Maricopa's protests about the 800 MHz licensing freeze are not relevant to consideration of Sprint's pending waiver request in Arizona. The Wireless Bureau was faced with a similar complaint in 2014 during consideration of Sprint's request for waiver in the Northern California NPSPAC Region (WT Docket 14 – 29).¹² In the Wireless Bureau's Order approving Sprint's waiver the Wireless Bureau noted that the public safety licensing freeze and access to 800 MHz interleaved spectrum was outside the scope of that proceeding. The Wireless Bureau should take the same approach here.

Sprint is not opposed to waivers of the 800 MHz licensing freeze in Arizona, especially in the non-border areas of Arizona which are no longer impacted by rebanding, if the Public Safety Bureau is still not willing to entirely lift the freeze. Sprint's waiver request, however, should not be held in limbo while the Public Safety Bureau verifies with the 800 MHz Transition Administration that the freeze can be lifted in whole or in part.

III. CONCLUSION

Sprint's waiver demonstrates that its deployment can commence without negative impact to ongoing public safety operations in the Arizona NPSPAC region and that Sprint has adequate distance protections in place to protect public safety. Maricopa's request that Sprint's waiver approval be indefinitely delayed until it determines the cause of its post-rebanding interference would unfairly penalize Sprint for matters that are beyond its control and Maricopa's request to modify Public Safety Bureau licensing procedures is beyond the scope of the instant proceeding. Sprint has demonstrated its Arizona Waiver is consistent with similar circumstances throughout the country where it has fully performed its obligation to complete rebanding and an approval of

¹² See Joint Comments by San Bernardino County, Ottawa County, Orleans County, Franklin County and City of Mesa, filed March 21, 2014 in WT Docket 14-29.

the instant waiver would be in the public interest. Accordingly, Sprint respectfully requests approval of the instant waiver as expeditiously as possible.

Respectfully submitted,

[/s/ James B. Goldstein](#)

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